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429 26th Ave., Santa Cruz, CA 95062

AUG 24 2007**FAX**Date: 8/24/07Number of pages including cover: 4

To: USPTO
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REMARKS: Urgent For your review Reply ASAP Please comment
Ser. No. 10/065,899 Patent No. 7139022 Docket NM-97

CORRECTION OF ERROR IN SMALL ENTITY STATUS
UNDER 37 C.F.R. § 1.28(C) AND MPEP 509.03 (X)

The Total deficiency payment owed is being paid by credit card with the attached PTO-2038 form.

Thank You.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office.

Signed /Stuart T Auvinen/
Stuart T. Auvinen, Reg. No. 36,435

Date Signed and transmitted 8/24/07

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PATENT
NM-97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CORRECTION OF ERROR IN SMALL ENTITY STATUS
UNDER 37 C.F.R. § 1.28(C)**
MPEP 509.03 (X)

Hon. Commissioner for Patents
Washington, DC 20231

Sir:

Applicant established status as a small entity in good faith, and fees as a small entity were paid in good faith. It was later discovered that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2). This loss occurred on 9/1/05 due to a licensing agreement.

Applicant requests that the error in small entity status be excused. With this submission, Applicant is complying with the separate submission and itemization requirements of 37 C.F.R. § 1.28(C)(1) and (c)(2). The deficiency payment requirement under 37 C.F.R. § 1.28(C)(2) is being submitted with this paper.

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Ser. No. 10/065,899
Art Unit: 2622

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NM-97 Ser. No. 10/065,899

Itemization of the deficiency payment (37 C.F.R. § 1.28(C)(2)(ii)(A-D))

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| | |
|--|----------------------------|
| (A) Type of Fee | 1.18(a), Utility Issue Fee |
| (A) Current Fee Amount, non-small entity | 1400 |
| (B) Fee actually paid | 700 |
| (B) Date Paid | 9/29/2006 |
| (C) Deficiency owed amount | 700 |
| (D) Total deficiency payment owed | 700 |

The Total deficiency payment owed (D) of \$700.00 is being paid by credit card with the attached form PTO-2038.

The commissioner is hereby authorized to charge payment of any additional patent application processing fees associated with this communication or credit any overpayment to my deposit account No. 01-2950.

Respectfully Submitted,


/Stuart T Auvinen/

Stuart T. Auvinen
Agent for Applicant
Reg. No. 36,435